

## **REMARKS**

Claims 1, 3-10, 12-21, 23-32 and 34-43 are pending and rejected in the above-identified application. With this Amendment, claims 34-43 were cancelled. Accordingly, claims 1, 3-10, 12-21, and 23-32 are at issue in the above-identified application.

### **35 U.S.C. § 101 Rejection of Claims**

Claim 34 was rejected under 35 U.S.C. § 101 as directed to non-statutory matter. Claims 35-43 were rejected under 35 U.S.C. 101 as non-statutory for at least the reason that it is not producing a tangible result. Applicant has hereby cancelled these claims and therefore requests withdrawal of this rejection.

### **35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1, 3-7, 9, 10, 12-14, 23-25 and 34-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Letorey* (U.S. Patent No. 5,521,445) in view of *Van Dort* (U.S. Patent No. 5,537,104). Claims 8, 21, 32 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Letorey* in view of *Van Dort* and further in view of *Burklin* (U.S. Patent No. 5,848,028). Claims 15-19, 26-30 and 37-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Letorey* in view of *Van Dort* and further in view of *Vancha* (U.S. Patent No. 4,980,540). Claims 20, 31 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Letorey* in view of *Van Dort* and further in view of *Abrams* (U.S. Patent No. 6,587,739). Applicant respectfully traverses these rejections.

In the office action, the Examiner admits that *Letorey* does not teach a controller "configured to form a message containing a state of the coffeemaker apparatus" and that "the network interface transmits the state message from the network interface for reception by another

device." However, the Examiner asserts that this feature is purportedly taught by *Van Dort*. Applicant respectfully disagrees.

First, Applicant submits that there is no motivation to combine *Van Dort* with *Letorey*. "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984). "The critical inquiry is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination." *Fromson v. Advance Offset Plate, Inc.* 225 USPQ 26, 31 (Fed. Cir. 1985). "Close adherence to this methodology is especially important of less technologically complex inventions, where the very ease with which the invention can be understood may prompt one to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

Nothing in the cited art suggests the desirability for combining *Letorey* with *Van Dort*. *Letorey* teaches a controller in which a user may set a desired time (or a "relative time", depending on the application) that corresponds to a start time for the home apparatus. When the clock time coincides with this time, the controller sends a message to the apparatus to start that apparatus. *Van Dort*, on the other hand, teaches a system for controlling one piece of household equipment as a result of the changed state of another piece of household equipment, based on a preset event table. There is simply no suggestion of any desirability for using the event-based system in *Bennett* with a purely time-based system in *Letorey*. If the Examiner maintains this rejection, Applicant requests that the Examiner identify the specific portions of the cited art that provide the alleged motivation to combine the references.

Furthermore, even assuming any motivation to combine, the combination of *Letorey* with *Van Dort* does not teach independent claims 1, 12, and 23. As noted above, the Examiner asserts that *Van Dort* teaches a controller "configured to form a message containing a state of the coffeemaker apparatus" and that "the network interface transmits the state message from the network interface for reception by another device." However, the Examiner is mistaken.

*Van Dort* discloses a system for controlling equipment. The system includes a plurality of actuator units and equipment units. (Abstract). *Van Dort* teaches that each of the units includes an event table, which includes event fields, address fields, and instruction fields. (Abstract). When a unit changes state, addresses of other units and the corresponding instructions are retrieved from the event table and transmitted to the other units. (Abstract). These transmitted instructions cause the other units to change state. (Abstract). Thus, *Van Dort* merely teaches that a state change in a piece of equipment causes the transmission of instructions to connected equipment to change their state. *Van Dort* does not, however, indicate that any of the equipment transmits a message from that equipment containing information regarding the state of that equipment.


Claim 1, however, recites a controller "configured to form a message containing a state of the coffeemaker apparatus" and that "the network interface transmits the state message from the network interface for reception by another device." This ability for an appliance to transmit a state message to other devices provides significant advantages not present in the prior art. For example, by transmitting a state message, the appliance is capable of informing a central controller if the appliance is ready to be initiated or not. This is especially beneficial in the case of coffeemakers as initiation of the coffeemaker by the central controller when its reservoir is empty may cause damage to the appliance. As *Van Dort* does not disclose this feature, Applicant

submits that independent claim 1, as well as dependent claims 3-10, is allowable. For similar reasons, Applicant also submits that claims 12-21 and 23-32 are also allowable.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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